

JUDGE DAVID BRIONES

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

V.

CHRISTOPHER HAROLD TAPPIN,
ROBERT FREDERICK GIBSON, and
ROBERT THOMAS CALDWELL,

Defendants.

) CRIMINAL NO. EP-07-CR-

) INDICTMENT

) Vio: CT 1 - 18:371, 22:2778 (b)(2), (c)-

) Conspiracy to Illegally Export Defense

) Articles

) Vio: CT 2 - 22:2278(b)(2), (c), 18:2-Aiding

) and Abetting the Illegal Export of Defense

) Articles

) Vio: CT 3 -18:1956 (a)(2)(A); 1956 (h) -

) Conspiracy to Conduct Illegal Financial

) Transactions

THE GRAND JURY CHARGES:

E P 07 CR 0249

COUNT ONE

(18 U.S.C. § 371, 22 U.S.C. § 2778(b)(2), 2778 (c))

That beginning on or about December 13, 2005, and continuing to and including on about January 25, 2007, in the Western District of Texas and elsewhere, Defendants,

**CHRISTOPHER HAROLD TAPPIN,
ROBERT FREDERICK GIBSON, and
ROBERT THOMAS CALDWELL**

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with each other, and with others to the Grand Jury known and unknown, to commit offenses against the United States, in violation of Title 18, United States Code, Section 371, that is, the Defendants and others conspired, combined, confederated and agreed among themselves and with each other and with others known and unknown to attempt to export from the United States defense articles, to-wit; Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Batteries, National Stock Number (NSN) 1420-00-484-8556, a special component of the Hawk Air Defense Missile, which is designated as a defense article on the United

States Munitions List, Category IV(h) and the Defendants did so without having first obtained from the Department of State a license for such export or written authorization for such export, in violation of Title 22, United States Code, Section 2778(b)(2) and 2778(c), and Title 22, United States Code of Federal Regulations, Sections 121.1, 121.4, 123.1 127.1(a), 127.1(c) and 127.3.

OVERT ACTS

In furtherance of the conspiracy, and to effect the objects thereof, at least one of the co-conspirators herein committed one or more of the following overt acts, among others, in the Western District of Texas, and elsewhere:

1. On or about April 13, 2006, **ROBERT FREDERICK GIBSON** sent an electronic mail message to an Immigration and Customs Enforcement Undercover Company requesting Yardney Electricity Corp. Batteries 329A, aka Zinc/Silver Oxide Reserve Battery, for export from the United States.
2. On or about April 21, 2006, **ROBERT FREDERICK GIBSON** sent an electronic mail message to an Undercover Immigration and Customs Enforcement Agent confirming his ongoing negotiations on the per item price, quantity, and brand of Zinc/Silver Oxide Reserve Batteries for export from the United States.
3. On or about August 10, 2006, **ROBERT FREDERICK GIBSON** traveled to the United States to met with an Undercover Immigration and Customs Enforcement Agent and physically inspect five Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Battery, National Stock Number (NSN) 1420-00-484-8556.
4. On or about October 2, 2006, **CHRISTOPHER HAROLD TAPPIN** telephoned the Immigration and Customs Enforcement Undercover Agent and inquired directly about the five Hawk missile batteries previously seen by **ROBERT FREDERICK GIBSON**. During this telephone call he continued to negotiate for the batteries and provided contact information to the Undercover Agent.
5. On or about October 11, 2006, **CHRISTOPHER HAROLD TAPPIN** telephoned the Immigration and Customs Enforcement Undercover Company and finalized the purchase price for the five Hawk missile batteries at \$ 25,000.00 dollars in United States currency. **CHRISTOPHER HAROLD TAPPIN** then told the Immigration and Customs Enforcement Undercover Agent that this was a done deal and provided the Undercover Agent with shipping information for export without the required license of the five batteries to the United Kingdom.

6. On or about October 13, 2006, **CHRISTOPHER HAROLD TAPPIN** directed a foreign financial institution to wire transfer \$ 24,980.00 in United States currency into the bank account of an Undercover Immigration and Customs Enforcement company as payment for five Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Battery, National Stock Number (NSN) 1420-00-484-8556, for export from the United States without an export license.
7. On or about October 18, 2006, **CHRISTOPHER HAROLD TAPPIN** telephoned an Undercover Immigration and Customs Enforcement Agent and told him he had sent the wire transfer of funds as previously agreed, and further requested that the five Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Battery, National Stock Number (NSN) 1420-00-484-8556, be exported from the United States without an export license through his specially designated freight forwarders.
8. On or about October 19, 2006, **CHRISTOPHER HAROLD TAPPIN** spoke on the telephone with an Undercover Immigration and Customs Enforcement Agent concerning the shipping of the five Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Battery, National Stock Number (NSN) 1420-00-484-8556, for export from the United States without an export license. In that telephone call **CHRISTOPHER HAROLD TAPPIN** again confirmed that he wanted to continue with the transaction and the five batteries should be shipped as discussed.
9. On or about December 20, 2006, after a series of delays in shipping the batteries, **CHRISTOPHER HAROLD TAPPIN** informed the Undercover Immigration and Customs Enforcement company that his U.S. agent would be contacting the Undercover Immigration and Customs Enforcement Agent to assist in exporting the Eagle Picher GAP-4328 batteries.
10. On or about December 20, 2006, **ROBERT THOMAS CALDWELL** contacted the Undercover Immigration and Enforcement company and identified himself as the U.S. agent for a company run by **CHRISTOPHER HAROLD TAPPIN**, and he engaged in negotiations to complete the export of the Eagle Picher GAP-4328 batteries.
11. On or about January 25, 2007, **ROBERT THOMAS CALDWELL** traveled from Portland, Oregon, to San Antonio, Texas, to meet with an Undercover Immigration and Customs Enforcement Agent and to physically inspect five Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Battery, National Stock Number (NSN) 1420-00-484-8556, prior to exporting them from the United States without an export license.
12. On or about January 25, 2007, **ROBERT THOMAS CALDWELL** gave an Undercover Immigration and Customs Enforcement Agent a check in the amount of \$ 5,000.00 dollars as a payment from **CHRISTOPHER HAROLD TAPPIN** to complete the transaction for the purchase of five Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Battery, National Stock Number (NSN) 1420-00-484-8556, prior to exporting them from the United States without an export license.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

(22 U.S.C. § 2778(b)(2), 2778 (c); 18 U.S.C. § 2)

That beginning on or about December 13, 2005, and continuing to and including on about January 25, 2007, in the Western District of Texas and elsewhere, Defendants,

**CHRISTOPHER HAROLD TAPPIN,
ROBERT FREDERICK GIBSON, and
ROBERT THOMAS CALDWELL**

attempted to export and aided and abetted the attempted export from the United States of defense articles, to-wit; Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Batteries, National Stock Number (NSN) 1420-00-484-8556, a special component of the Hawk Air Defense Missile, which is designated as a defense article on the United States Munitions List, Category IV(h) and the Defendants did so without having first obtained from the Department of State a license for such export or written authorization for such export, in violation of Title 22, United States Code, Section 2778(b)(2) and 2778(c), and Title 22, United States Code of Federal Regulations, Sections 121.1, 121.4, 123.1 127.1(a), 127.1(c) and 127.3; Title 18, United States Code, Section 2.

COUNT THREE

(18 U.S.C. §§ 1956 (a)(2)(A), 1956(h))

That beginning on or about December 13, 2005, and continuing until and including on or about January 25, 2007, in the Western District of Texas, and elsewhere, Defendant,

CHRISTOPHER HAROLD TAPPIN,

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed with others to the Grand Jury known and unknown, to commit offenses against the United States, that is, the Defendant and others conspired, combined, confederated and agreed among themselves and with each other to conduct and attempt to conduct financial transactions, to-wit; to transport, transfer, or transmit monetary instruments or funds from a place outside the United States to or through a place inside the United States with the intent to promote the carrying on of a specified unlawful activity, to-wit; transferred funds from a financial

institution in London, England, to a financial institution in the United States as payment for five Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Battery, National Stock Number (NSN) 1420-00-484-8556, used to power Hawk Air Defense Missiles and they did so knowing that the transaction is designed, in whole or in part to promote some form of specified unlawful activity, to-wit; to purchase the five Eagle Picher Brand Batteries, P/N GAP-4328, aka Zinc/Silver Oxide Reserve Battery, National Stock Number (NSN) 1420-00-484-8556 in violation of export control regulations involving an item controlled on the United States Munitions List established under section 38 of the Arms Control Export Act, Title 22 U.S.C. Section 2278, all in violation of Title 18, United States Code, Sections 1956 (a)(2)(A) and 1956 (h).

A TRUE BILL.

FOREPERSON OF THE GRAND JURY

JOHNNY SUTTON
UNITED STATES ATTORNEY

BY: 
Assistant U.S. Attorney